



1FW

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 6, 2004.

John E. Pierce
Attorney for Applicants

PATENT
Docket No. 3333.2.1.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark J. Rosenfeld et al.)
Serial No.: 10/718,232)
Filed: November 20, 2003) Art Unit:
For: NOVEL COMPOUNDS FOR USE IN WEIGHT LOSS) 1614
AND APPETITE SUPPRESSION IN HUMANS)
)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Information Disclosure Statement discloses information which has come to the attention of Applicants and/or their attorneys and is being submitted so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56. In accordance with 37 C.F.R. § 1.97(b), this Statement is being filed within three (3) months of the filing date of the above-identified application or before the mailing date of a first Action on the merits.

Neither Applicants nor their attorneys make any representation that any information disclosed herein may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103. Moreover, pursuant to 37 C.F.R. § 1.97, the filing of this Information Disclosure Statement shall not be

construed as a representation that a search has been made or as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

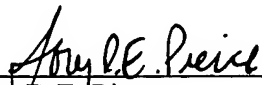
In accordance with 37 C.F.R. § 1.98, this Information Disclosure Statement includes and is accompanied by:

1. A completed copy of Form PTO-1449 listing the patents, publications and other information being submitted for consideration; and
2. A legible copy of each patent, publication and other item of information in written form listed on the enclosed Form PTO-1449, excluding copies of references falling under the prior submission or citation exception of 37 C.F.R. § 1.98(d).

Various patents, publications, and other items of information listed on the accompanying Form PTO-1449 were previously cited by and/or submitted to the U.S. Patent and Trademark Office in Applicant's prior applications (U.S. Patent Application Serial No. 10/718,232, filed November 30, 2003, and entitled "NOVEL COMPOUNDS FOR USE IN WEIGHT LOSS AND APPETITE SUPPRESSION IN HUMANS," and U.S. Patent Application Serial No. 09/834,592, filed April 13, 2001, and entitled "NOVEL COMPOUNDS FOR USE AS ANTIDEPRESSANTS, APHRODISIACS AND ADJUNCTIVE THERAPIES IN HUMANS", which issued as U.S. Patent No. 6,667,308), which are being relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with 37 C.F.R. § 1.98(d), copies of these patents, publications, and other items of information are not being submitted with this Statement.

DATED this 8th day of July, 2004.

Respectfully submitted,



Gary D.E. Pierce
Attorney for Applicants
Reg. No.: 38,019

Date: July 8, 2004

PATE PIERCE & BAIRD
550 Park Side Tower
215 South State Street
Salt Lake City, Utah 84111
Telephone: (801) 530-0330
Facsimile: (801) 530-5955



FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S REQUEST FOR REEXAMINATION (use several sheets if necessary)	SERIAL NO. 10/718,232	ATTORNEY DOCKET NO. 3333.2.1.3
	FILING DATE November 20, 2003	GROUP ART UNIT 1614
	APPLICANT(S): Mark J. Rosenfeld et al.	

REFERENCE DESIGNATION**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	6,667,308BS	12/23/2003	Rosenfeld et al.	514/230.5	04/13/2001
	A2	5,436,348	07/25/1995	Yous et al.	548/221	04/05/1994
	A3	5,300,507	04/05/1994	Yous et al.	514/253	04/28/1993
	A4	5,322,843	06/21/1994	Yous et al.	514/233.8	04/28/1993
	A5	5,322,849	06/21/1994	Yous et al.	514/321	04/28/1993
	A6	5,326,775	07/05/1994	Yous et al.	514/375	04/28/1993
	A7	5,386,034	01/31/1995	Yous et al.	548/169	06/15/1993
	A8	5,240,919	08/31/1993	Yous et al.	514/210	03/09/1992

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION
	A9	CH 683,593	04/15/1994	Switzerland	A61K31/535	Yes
	A10	EPO 0 506 539	09/30/1992	European Union	C07D263/58	Yes

EXAMINER	DATE CONSIDERED
-----------------	------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

NON-PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)
	A11	Garcia H.L., "Dermatological complications," PubMed Abstr. 12180897; <i>American Journal of Clinical Dermatology</i> , 3(7): 497-506, 2002.
	A12	Lee, HS., "Tyrosinase inhibitors of <i>Pulsatilla cernua</i> root-derived materials," PubMed Abstr. 11879010, <i>Journal of Agricultural Food Chemicals</i> , 50(6): 140, 2002.
	A13	Pischon et al., "Recent developments in the treatment of obesity," PubMed Abstr. 12187313, <i>Current Opinions of Nephrological Hypertension</i> , 11(5): 497-502, 2002.
	A14	Wang et al., "Hypotensive activity of the pineal indoleamine hormones melatonin, 5-methoxytryptophol and 5-methoxytryptamine," PubMed Abstr. 10752670, <i>Pharmacological Toxicology</i> , 86(3): 125-8, 2000.
	A15	Katz et al., "Central obesity, depression and the hypothalamo-pituitary-adrenal axis in men and postmenopausal women," <i>International Journal of Obesity Related Metabolism Disorders</i> , 24: 246-51, 2000.
	A16	McGahuey et al., "The Arizona Sexual Experience Scale (ASEX): reliability and validity," <i>Journal of Sex & Marital Therapy</i> , 26: 25-40, 2000.
	A17	Griffen et al., "Selective serotonin reuptake inhibitors directly alter activity of neurosteroidogenic enzymes," <i>Proceedings of Natural Academy Sciences</i> (Washington D.C.), 96(23): 13512-13517, 1999.
	A18	Rudolf et al., "Subjective quality of life in female in-patients with depression: A longitudinal study," <i>International Journal of Social Psychiatry</i> , 45(4): 238-46, 1999.
	A19	Negus et al., "Reproductive strategies of <i>Dicrostonyx groenlandicus</i> and <i>Lemmus sibiricus</i> in high-arctic tundra," <i>Canadian Journal of Zoology</i> , 76: 391-399, 1998.
	A20	Gianoli et al., "Characteristics of hydroxamic acid induction in wheat triggered by aphid infestation," <i>Journal of Chemical Ecology</i> , 23(12): 2695-2705, 1997.
	A21	Niemeyer et al., "Chromosomal location of genes for hydroxamic acid accumulation in <i>Triticum aestivum</i> L. (wheat) using wheat aneuploids and wheat substitution lines," <i>Heredity</i> , 79: 10-14, 1997.
	A22	Dowd et al., "Enzymatic oxidation products of allelochemicals as a basis for resistance against insects: effects on the corn leafhopper <i>Dalbulus maidis</i> ," <i>Natural Toxins</i> , 4: 85-91, 1996.
	A23	Meek et al., "Interaction of maternal photoperiod history and food type on growth and reproductive development of laboratory meadow voles (<i>Microtus pennsylvanicus</i>)," <i>Physiology and Behavior</i> , 57(5): 905-11, 1995.
	A24	Bergvinson et al., "Putative role of photodimerized phenolic acids in maize resistance to <i>Ostrinia Nubilalis</i> (Lepidoptera: Pyralidae)," <i>Environmental Entomology</i> , 23(6): 1516-1523, 1994.
	A25	Hayashi et al., "6-Methoxy-2-benzoxazolinone in <i>Scoparia dulcis</i> and its production by cultured tissues," <i>Phytochemistry</i> , 37(6): 1611-1614, 1994.
	A26	Leighton et al., "Substrate specificity of a glucosyltransferase and an N-hydroxylase involved in the biosynthesis of chyclic hydroxamic acids in Gramineae," <i>Phytochemistry</i> , 36(4): 887-892, 1994.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

A27	Mayoral et al., "A high performance liquid chromatography method for quantification of DIBOA, DIMBOA, and MBOA from aqueous extracts of corn and winter cereal plants," <i>Journal of Liquid Chromatography</i> , vol. 17, No. 12, pp. 2651-2665, 1994.
A28	Assabgui et al., "Hydroxamic acid content of maize (<i>Zea mays</i>) roots of 18 Ontario hybrids and prediction of antibiosis to western corn rootworm, <i>Diabrotica virgifera virgifera</i> Leconte (<i>Cleoptera: Chrysomelidae</i>)," <i>Canadian Journal of Plant Science</i> , 73: 359-363, 1993.
A29	Cuevas et al., "Effect of hydroxamic acids from cereals on aphid cholinesterases," <i>Phytochemistry</i> , 34(4): 983-985, 1993.
A30	Frandsen et al., "Maternal transfer of the 6-MBOA chemical signal in <i>Microtus montanus</i> during gestation and lactation," <i>Canadian Journal of Zoology</i> , 71: 1799-1803, 1993.
A31	Richardson et al., "Cyclic hydroxamic acid accumulation in corn seedlings exposed to reduced water potentials before, during, and after germination," <i>Journal of Chemical Ecology</i> , 19(8): 1613-1624, 1993;* Assabgui et al., "Hydroxamic acid content of maize roots of 18 Ontario hybrids and prediction of antibiosis to western corn rootworm," <i>Canada Journal of Plant Science</i> , 73: 359-363, 1993.
A32	Bjostad, Louis B. and Hibbard, Bruce E., "6-Methoxy-2-Benzoxazolinone: a Semiochemical for Host Location by Western Corn Rootworm Larvae," <i>Journal of Chemical Ecology</i> , Vol. 18, No. 7, pp. 931-44, 1992.
A33	Arnason et al., "Phototoxins in plant-insect interactions. In Herbivores, Their interactions with secondary plant metabolites," Edited by M. Berenbaum et al., Academic Press, N.Y.; <i>Ecological and evolutionary processes</i> , Pages 317-341 vol. II. 2 nd Ed., 1992.
A34	Blum et al., "Allelopathic activity in wheat-conventional and wheat-no-till soils: development of soil extract bioassays," <i>Journal of Chemical Ecology</i> , 18(12): 2191-2221, 1992.
A35	Nicol et al., "A screen of worldwide wheat cultivars for hydroxamic acid levels and aphid antixenosis," <i>Annotated Applied Biology</i> , 121: 11-18, 1992.
A36	Copaja et al., "Hydroxamic acid content of perennial Triticeae," <i>Phytochemistry</i> , 30(5): 1531-1534, 1991a.
A37	Copaja et al., "Hydroxamic acid levels in Chilean and British wheat seedlings," <i>Ann. Applied Biology</i> , 118: 223-227, 1991b.
A38	Moffatt et al., "Effects of photoperiod and 6-methoxy-2 benzoxazolinone on male-induced estrus in prairie voles," <i>Physiology and Behavior</i> , 49: 27-31, 1991.
A39	Xie et al., "Distribution and variation of hydroxamic acids and related compounds in maize (<i>Zea mays</i>) root system," <i>Canadian Journal of Botany</i> , 69: 677-681, 1991.
A40	Zuniga et al., "Hydroxamic acid content in undifferentiated and differentiated tissues of wheat," <i>Phytochemistry</i> , 30(10): 3281-3283, 1991.
A41	Perez et al., "Difference in hydroxamic acid content in roots and root exudates of wheat (<i>Triticum aestivum</i> L.) and rye (<i>Secale cereale</i> L.): possible role in allelopathy," <i>Journal of Chemical Ecology</i> , 17(6): 1037-1043, 1991.
A42	Daya et al., "Effect of 6-methoxy-2-benzoxazolinone on the activities of rat pineal N-acetyltransferase and hydroxyindole-O-methyltransferase and on melatonin production," <i>Journal of Pineal Research</i> , 8: 57-66, 1990.

EXAMINER	DATE CONSIDERED
-----------------	------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

	A43	Gower, B.A., "Endocrine effects of the naturally occurring reproductive stimulant, 6-methoxybenzoxazoline," Ph.D. Thesis, University of Utah, Salt Lake City, Utah, 116 pp., 1990.
	A44	Gower et al., "Reproductive responses of male <i>Microtus montanus</i> to photoperiod, melatonin, and 6-MBOA," <i>Journal of Pineal Research</i> , 8: 297-317, 1990.
	A45	Nelson et al., "Photoperiod affects reproductive responsiveness to 6-methoxy-2-benzoxazolinone in house mice," <i>Biology of Reproduction</i> , 43: 586-91, 1990.
	A46	Reid et al., "Resistance of maize germ plasm to European corn borer, <i>Ostrinia nubilalis</i> , as related to geographical origin," <i>Canadian Journal of Botany</i> , 68: 311-316, 1990.
	A47	Urbanski et al., "Influence of photoperiod and 6-methoxybenzoxazolinone on the reproductive axis of inbred LSH/Ss Lak male hamster," <i>Journal of Reproduction and Fertility</i> , 90: 157-162, 1990.
	A48	Niemeyer et al., "Changes in hydroxamic acid levels of wheat plants induced by aphid feeding," <i>Phytochemistry</i> , 28(2): 447-449, 1989.
	A49	Rowsemit et al., "Reproductive function in <i>Dipodomys ordii</i> stimulated by 6-methoxybenzoxazolinone," <i>Journal of Mammology</i> , 70(4): 805-809, 1989.
	A50	Butterstein et al., "The plant metabolite 6-methoxybenzoxazolinone interacts with follicle-stimulating hormone to enhance ovarian growth," <i>Biology of Reproduction</i> , 39: 465-71, 1988.
	A51	Campos et al., "Toxicity and toxicokinetics of 6-methoxybenzoxazolinone (MBOA) in the European corn borer <i>Ostrinia nubilalis</i> (Hubner)," <i>Journal of Chemical Ecology</i> , 14(3): 989-1002, 1988.
	A52	Schadler et al., "The plant metabolite, 6-methoxybenzoxazolinone, stimulates an increase in secretion of follicle-stimulating hormone and size of reproductive organs in <i>Microtus pinetorum</i> ," <i>Biology of Reproduction</i> , 38: 817-820, 1988.
	A53	Sweat et al., "Uterotropic 6-methoxybenzoxazolinone is an adrenergic agonist and melatonin analog," <i>Molecular Cellular Endocrinology</i> , 57: 131-138, 1988.
	A54	Anderson et al., "Effects of melatonin and 6-methoxybenzoxazolinone on photoperiodic control of testis size in adult male golden hamsters," <i>Journal of Pineal Research</i> , 5: 351-65, 1988.
	A55	Vaughan et al., "Hormonal consequences of subcutaneous 6-methoxy-2-benzoxazolinone pellets or injections in prepubertal male and female rats," <i>Journal of Reproduction and Fertility</i> , 83: 859-66, 1988.
	A56	Barnes et al., "Role of benzoxazinones in allelopathy by rye (<i>Secale cereale</i> L.)," <i>Journal of Chemical Ecology</i> , 13(4): 889-906, 1987.
	A57	Brice, C., "The effect of 6-methoxybenzoxazolinone on laboratory mice," Ph.D. Thesis, University of London, London, England, 1987.
	A58	Korn et al., "Initiation of breeding in a population of <i>Microtus townsendii</i> (Rodentia) with the secondary plant compound 6-MBOA," <i>Oecologia</i> (Berl.), 71: 593-596, 1987.
	A59	Barnes et al., "Isolation and characterization of allelochemicals in rye herbage," <i>Phytochemistry</i> , 26(5): 1385-1390, 1987.
	A60	Berger et al., "Effect of 6-methoxybenzoxazolinone on sex ratio and breeding performance in <i>Microtus montanus</i> ," <i>Biology of Reproduction</i> , 1987; 36: 255-260, 1987.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

A61	Alibhai, S.K., "Reproductive response of <i>Gerbillus harwoodii</i> to 6-MBOA in the Kora National Reserve, Kenya," <i>Journal of Tropical Ecology</i> , 2: 377-379, 1986.
A62	Epstein et al., "Dynamics of 6-methoxybenzoxazolinone in winter wheat, Effects of photoperiod and temperature," <i>Journal of Chemical Ecology</i> , 12(10): 2011-2020, 1986.
A63	Bronson, F.H., "Mammalian reproduction: an ecological perspective," <i>Biology of Reproduction</i> , 32(1): 1-26, 1985.
A64	Brake et al., "Delay of onset of oviposition in pullets promoted by 6-methoxybenzoxazolinone," <i>Poultry Science</i> , 64(4): 774-776, 1985.
A65	Butterstein et al., "A naturally occurring plant compound, 6-methoxybenzoxazolinone, stimulates reproductive responses in rats," <i>Biology of Reproduction</i> , 32: 1018-1023, 1985.
A66	Yuwiler et al., "Effects of 6-methoxy-2-benzoxazolinone on the pineal melatonin generating system," <i>Journal of Pharmacological Exp. Ther.</i> , 233: 45-50, 1985.
A67	Gomita et al., "Behavioral and EEG effects of coixol (6-methoxybenzoxazolinone), one of the components on <i>Coix Lachryma-Jobi</i> L. var. <i>may-yen</i> Stapf," <i>Nippon Yakurigaku Zasshi</i> , 77(3): 245-59, 1981.
A68	Argandona et al., "Effect of content and distribution of hydroxamic acids in wheat on infestation by the aphid, <i>Schizaphis graminum</i> ," <i>Phytochemistry</i> , 20(4): 673-676, 1981.
A69	Berger et al., "Chemical triggering of reproduction in <i>Microtus montanus</i> ," <i>Science</i> (Washington D.C.), 214(4516): 69-70, 1981.
A70	Sanders et al., "6-methoxybenzoxazolinone: A plant derivative that stimulates reproduction in <i>Microtis montanus</i> ," <i>Science</i> (Washington D.C.), 214(4516): 67-69, 1981.
A71	Argandona et al., "Role of hydroxamic acids in the resistance of cereals to aphids," <i>Phytochemistry</i> , 19: 1665-1668, 1980.
A72	Negus et al., "Experimental triggering of reproduction in a natural population of <i>Microtus montanus</i> ," <i>Science</i> (Washington D.C.), 196(4295): 1230-1231, 1977.
A73	Virtanen et al., "Precursors of benzoxazolinone in rye plants. I. Precursor II, the Agylcone," <i>Acta Chemica Scandinavica</i> , 14(2): 499-502, 1960.
A74	Epstein et al., "Dynamics of 6-Methoxybenzoxazolinone in Winter Wheat," <i>Journal of Chemical Ecology</i> Vol. 12, No.10, Pgs. 2011-2021

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).